

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

FILED

SEP 29 PM 2:23  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

sub-

ENTERED

IN RE: DAS A. BORDEN, DEBTOR

DAS A. BORDEN,

Appellant,

vs.

JOHN D. CLEMENT, JR.,

Appellee.

CIVIL ACTION NUMBER

94-C-1341-NE

SEP 29 1997

MEMORANDUM OF OPINION

The court has carefully reviewed the Bankruptcy Court's March 22, 1994, Findings of Undisputed Facts. There is no clear error in the findings. Not only are the findings supported by the record; they are compelled by the record. The factual findings are therefore due to be affirmed.

Reviewing de novo the Bankruptcy Court's denial of appellant's Motion, the court affirms the Bankruptcy Court's conclusion that the appellant's claims in the state court action create a core proceeding and thus establish jurisdiction under 28 U.S.C. § 157(b)(2)(A) and (O).

By separate order, the orders appealed from will be affirmed.

DONE this 29<sup>th</sup> day of September, 1997.

U. W. Clemon  
UNITED STATES DISTRICT JUDGE  
U. W. CLEMON

10